

DATE

Mr. Joseph Buckley
Chief Operating Manager
Buckley Builds Construction, LLC
2827 Annunciation St.
New Orleans, LA 70115

**Re: Louisiana Board of Ethics Docket No. 2021-1060
Advisory Opinion**

Dear Mr. Buckley:

The Louisiana Board of Ethics, at its February 4, 2022 meeting, considered your request for an advisory opinion as to whether Buckley Builds Construction, LLC can lease warehouse space from the New Orleans Aviation Board ("NOAB") while your wife, Diane Buckley, is employed as an Airport Services Agent in the Legal Department of NOAB.

FACTS PROVIDED

You stated that you and your wife, Diane Buckley, are owners of Buckley Builds Construction, LLC and serve as Chief Operating Manager and Chief Executive Manager, respectively. You stated that your wife is also employed as a paralegal in the Legal Department of NOAB. You stated that Buckley Builds Construction, LLC, would like to lease warehouse space, specifically, 200 Crofton Road, Building #8, Bay E, from NOAB. NOAB's Business Development Division is responsible for managing rental property for NOAB, and you would be leasing it at fair market value. You further provided that NOAB's Legal Department is responsible for drafting and processing documents in an effort to obtain City Council and City of New Orleans approval of a lease, as well as enforcing contract issues, such as breach.

NOAB oversees the administration, operation, and maintenance of the Louis Armstrong New Orleans International Airport, which is classified as a Class B airport with scheduled air service. The airport is situated in Jefferson Parish, which has a population of 432,552.

LAW

La. R.S. 42:1113A(1)(a) prohibits a public servant, or member of such public servant's immediate family, or legal entity in which he has a controlling interest from bidding on or entering into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

La. R.S. 42:1102(2)(a)(vi) defines "agency of the public servant" for public servants of political subdivisions to mean, the agency in which the public servant serves.

La. R.S. 42:1123(20) provides an exception to the Code of Governmental Ethics for an airport authority member or employee in an airport in any parish having a population of less than two hundred twenty-five thousand persons, according to the most recent census, or an airport authority member or employee in an airport in any parish having a population of two hundred twenty-five thousand persons or more according to the most recent census if the airport over which such an airport authority has jurisdiction does not have scheduled air service, from using any of the services available at the airport over which he exercises jurisdiction or by which he is employed; provided the services are available to the member or employee subject to the same terms, conditions, and availability as to any other member of the public, whether such services are obtained directly from the airport or from a fixed-based operator.

ANALYSIS

Based on the information provided, you and your wife have a controlling interest in Buckley Builds Construction, LLC, and as such are generally prohibited from bidding on or entering into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of your wife's agency. Your wife's agency is the Legal Department of NOAB, which drafts leases, obtains administrative approval from the City of New Orleans, and enforces the provisions contained in the contract. While there is an exception to the Code of Governmental Ethics for employees in an airport, Louis Armstrong New Orleans International Airport does not fall within the parameters of said exception. Namely, the airport is situated in a parish with a population greater than two hundred twenty-five thousand persons, and it provides scheduled air service.

CONCLUSION

The Board concluded, and instructed me to inform you, that La. R.S. 42:1113A(1)(a) of the Code of Governmental Ethics would prohibit you and/or Buckley Builds Construction, LLC from leasing warehouse space from NOAB, since your wife is employed in the Legal Department of NOAB and the Legal Department is responsible for drafting, implementing, and enforcing the lease. This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Louisiana Board of Ethics issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Gregory L. Thibodeaux
For the Board

DISCLAIMER

This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.

No party may rely on the facts or conclusions.